Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

In The

Supreme Court of the United States

October Term, 1996

♦

DEBORAH A. POPE,

Petitioner,

v.

LAWRENCE A. POPE, JR.,

Respondent.

♦

Petition for Writ of Certiorari
to the Supreme Court of the State of Illinois

♦

SUPPLEMENTAL APPENDIX

♦

BEVERLY A. PEKALA
Counsel of Record
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STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, WHEATON, ILLINOIS

IN RE THE MARRIAGE OF	)	
	)	
DEBORAH A. POPE,	)	
Plaintiff,	)	
	)	
and	)	NO. 88 D 1427
	)	
LAWRENCE A. POPE, JR.,	)	
Defendant.	)	

ORDER

This cause comes before the court for entry of an order in accord with the court's opinion of June 15, 1995. The opinion is attached to this order for reference purposes. The court is fully advised in the premises and based on its opinion of June 15, 1995 orders as follows:

1. The previous custody and visitation provisions of the Judgment of Dissolution in this cause and any other orders concerning custody and visitation entered in this cause previous to June 15, 1995 are hereby vacated. The previous joint custody arrangement is now

terminated.

2. Sole care and custody of the parties' child, Lawrence A. Pope III is hereby awarded to his father, Lawrence A. Pope, Jr. Lawrence A. Pope, Jr. shall assume custody of Lawrence III immediately.

3. Deborah shall deliver to Lawrence, Jr. Lawrence III's clothing and personal effects forthwith except such toys and other personal effects as Lawrence III wants to leave at his mother's house.

4. Deborah A. Pope shall have visitation with Lawrence III on a supervised basis until further order of court. Thomas and Rita Isitoro are hereby appointed visitation supervisors. One or both of them shall be with Deborah at all times when Lawrence III visits with her and shall insure that she complies with the orders of this court with respect to visitation.

5. Neither party shall criticize, run down or speak ill of the other in front of Lawrence III. Neither party shall cast any blame or aspersions on the other or on Lawrence III for the result of these court proceedings. Both parties shall do their utmost to help Lawrence III to adjust to his new custody arrangement. Each party shall do his or her best to foster a healthy, continuing parent-child relation between Lawrence III and the other party.

6. Allegations or accusations of sex abuse involving Lawrence, Jr. and Lawrence III shall cease. If Lawrence III mentions this subject to Deborah. she shall not discuss it with him but shall inform her therapist who will inform Mr. Davis [social worker]. Mr. Davis will not be required to report such mentions of the subject by Lawrence III to the D.C.F.S. [Department of Children and Family Services] but will be responsible solely to this

court. He may report them to the court as he deems fit for such action as the court deems appropriate.

7. Clark Davis, L.C.S.W., of Glen Ellyn, is appointed as therapist to Lawrence III, in accordance with the recommendation of Dr. Rossiter. He will initially meet with Lawrence, Jr., and Lawrence III and if he and Lawrence, Jr. are satisfied that he can function as Lawrence III's therapist, he will provide such counseling and therapy to Lawrence III as he deems necessary under the circumstances. He will report to the court in writing with copies to the parties' attorneys on Lawrence III's progress as often as he deems necessary but not less than quarterly from the date of this order. He will cooperate with any other therapists involved in the treatment or counseling of the parties to assure to the maximum extent possible Lawrence III's healthy adjustment to the new custody arrangement and his speedy recovery from the psychological ill effects described by the expert witnesses and mentioned in the court's opinion. Any cost of this therapy over and above insurance coverage will be split equally between the parties.

8. Deborah is ordered to undergo psychotherapy but the naming of the psychotherapist is reserved. Deborah's psychotherapist will administer therapy to Deborah and cooperate with the parties and other therapists for the purposes described in the court's opinion and this order with particular emphasis upon creating insofar as possible a healthy relationship between Deborah and Lawrence III. Deborah will cooperate with this therapy and continue it as long as deemed necessary by her psychotherapist or his successor. Deborah's cooperation with the therapist will be a precondition to

her continued visitation with Lawrence III. Deborah will bear the cost of this therapy.

9. Since Lawrence, Jr. now has sole custody of Lawrence III, Lawrence Jr.'s child support obligation is terminated as of June 15, 1995, the date of the court's opinion.

10. Deborah testified that she was unemployed at the time of trial. She is hereby ordered to make reasonable efforts to obtain employment and report those efforts in writing to the court with copies to attorneys of record. As soon as Deborah obtains employment, she is ordered to report this in writing to the court with copies to all counsel of record so an appropriate order may be entered regarding child support. Deborah is further ordered apply for an unemployment compensation dependent allowance for Lawrence III forthwith.

11. Interim visitation between Deborah and Lawrence III with Mr. and/or Mrs. Isitoro as ordered above is ordered to take place Saturday and Sunday on alternate weekends. Mr. or Mrs. Isitoro, with or without Mrs. Pope, shall pick up Lawrence III at 9:00 a.m. on Saturday morning at Mr. Pope's house in Carol Stream. Lawrence, Jr. will pick up Lawrence III at the Isitoros' house at 9:00 p.m. on Sunday evening or at 5:00 p.m. after school begins if this schedule is still in effect at that time. The first weekend visitation shall take place on July 1 and 2, 1995. No visitation between Deborah and Lawrence III shall take place between July 5, 1995 and July 30, 1995 inclusive when Lawrence, Jr. has planned a trip to Georgia for him to visit his grandparents. Deborah shall be afforded extra visitation on July 4 from 10 a.m. to 10 p.m. and on July 31 from 4:00 p.m. to 9:00 p.m. with the

same pickup and dropoff arrangements. Alternate weekend visitation as specified above will resume on August 5 and 6, 1995 and continue thereafter on an interim basis only pending the recommendations to the court for visitation from Mr. Davis and the psychological professional appointed to treat Mrs. Pope.

12. Deborah may call Lawrence III on the telephone daily from 7 to 9 p.m. local time wherever Lawrence III may be at the time of the call. On days when Lawrence III is not at home at this time, he will be encouraged to call his mother at another convenient time.

13. The court retains jurisdiction of this cause to enforce the provisions of this order and to make appropriate awards of attorneys' fees, costs and child support. Otherwise, this is a final and appealable order as to all matters now before the court.

Enter:_____

June 26, 1995

JOHNSON, WESTRA, BROECKER, WHITTAKER
& NEWITT, P.C.
Attorney for Lawrence A. Pope, Jr.
DuPage Attorney No. 40825
380 S. Schmale Road, Suite 102
Carol Stream, Illinois 60188-2790
(708)665-9600

C-1

STATE OF ILLINOIS
APPELLATE COURT SECOND DISTRICT

Office of the Clerk
708/695-3750

Appellate Court Building
Elgin, Illinois
60120-5558

Appeal from the Circuit Court of County of DuPage
Trial Court No.: 88 D 1427

THE COURT HAS THIS DAY, 8/25/95, ENTERED THE FOLLOWING ORDER IN THE CASE OF:

Gen. No.: 2-95-0938

IRMO: Pope, Deborah A., and Lawrence A.

Motion by appellant for emergency stay, objections thereto by appellee; motion by appellant for free record on appeal, objections thereto by appellee; and motion by appellant for extension of time in which to file the record on appeal and docketing statement, and objections thereto by appellee, and request by appellant for leave to file in forma pauperis. Motion for extension of time in which to file docketing statement is allowed, and the docketing statement shall be filed within 14 days. The request for an extension of time to file record on appeal is denied, and the record shall be filed September 27, 1995. The motion for stay is denied. Appellant's motion for free record on appeal and to proceed in forma pauperis is denied.

LOREN J. STROTZ
Clerk

cc: Beverly A. Pekala
Johnson, Westra, Broecker, Whittaker Newitt, PC
Timothy B. Newitt

STATE OF ILLINOIS
APPELLATE COURT SECOND DISTRICT

Office of the Clerk
708/695-3750

Appellate Court Building
Elgin, Illinois
60120-5558

Appeal from the Circuit Court of County of DuPage
Trial Court No.: 88 D 1427

THE COURT HAS THIS DAY, 9/14/95, ENTERED THE FOLLOWING ORDER IN THE CASE OF:

Gen. No.: 2-95-0938

IRMO: Pope, Deborah A., and Lawrence A.

Motions by appellant, Deborah A. Pope, to stay proceedings in the appellate court, extend time to file docketing statement, transcript of proceedings at trial, and record on appeal, and objections thereto by appellee. All motions denied.

LOREN J. STROTZ
Clerk

cc: Beverly A. Pekala
Johnson, Westra, Broecker, Whittaker Newitt, PC
Timothy B. Newitt

STATE OF ILLINOIS
APPELLATE COURT SECOND DISTRICT

Office of the Clerk
708/695-3750

Appellate Court Building
Elgin, Illinois
60120-5558

Appeal from the Circuit Court of County of DuPage
Trial Court No.: 88 D 1427

THE COURT HAS THIS DAY, 9/21/95, ENTERED THE FOLLOWING ORDER IN THE CASE OF:

Gen. No.: 2-95-0938

IRMO: Pope, Deborah A., and Lawrence A.

Notice of Appeal having been filed in this case, but no docketing statement or filing fee having been filed by the appellant within the time provided by Supreme Court Rule 303(g)/606(g), it is ordered on the court's own motion that appellant shall submit a docketing statement and filing fee within seven days of the date of this order, or this appeal will be dismissed without further notice.

LOREN J. STROTZ
Clerk

cc: Beverly A. Pekala
Johnson, Westra, Broecker, Whittaker Newitt, PC
Timothy B. Newitt

STATE OF ILLINOIS
APPELLATE COURT SECOND DISTRICT

Office of the Clerk
708/695-3750

Appellate Court Building
Elgin, Illinois
60120-5558

Appeal from the Circuit Court of County of DuPage
Trial Court No.: 88 D 1427

THE COURT HAS THIS DAY, 11/22/95, ENTERED THE FOLLOWING ORDER IN THE CASE OF:

Gen. No.: 2-95-0938

IRMO: Pope, Deborah A., and Lawrence A.

Motion by appellant, Deborah A. Pope, for an extension of time in which to file appellant's brief. Motion denied.

LOREN J. STROTZ
Clerk

cc: Beverly A. Pekala
Carol G. Kokinis
Johnson, Westra, Broecker, Whittaker Newitt, PC
Timothy B. Newitt

STATE OF ILLINOIS
APPELLATE COURT SECOND DISTRICT

Office of the Clerk
708/695-3750

Appellate Court Building
Elgin, Illinois
60120-5558

Appeal from the Circuit Court of County of DuPage
Trial Court No.: 88 D 1427

THE COURT HAS THIS DAY, 12/1/95, ENTERED THE FOLLOWING ORDER IN THE CASE OF:

Gen. No.: 2-95-0938

IRMO: Pope, Deborah A., and Lawrence A.

On the Court's own motion, Appellant allowed 30 days to file brief or the appeal herein will be dismissed without further notice.

LOREN J. STROTZ
Clerk

cc: Beverly A. Pekala
Carol G. Kokinis
Johnson, Westra, Broecker, Whittaker Newitt, PC
Timothy B. Newitt

STATE OF ILLINOIS
APPELLATE COURT SECOND DISTRICT

Office of the Clerk
708/695-3750

Appellate Court Building
Elgin, Illinois
60120-5558

Appeal from the Circuit Court of County of DuPage
Trial Court No.: 88 D 1427
THE COURT HAS THIS DAY, 1/4/96, ENTERED THE FOLLOWING ORDER IN THE CASE OF:
Gen. No.: 2-95-0938
IRMO: Pope, Deborah A., and Lawrence A.

Emergency motion to extend time for filing docketing statement, transcripts of proceedings, record on appeal, to stay appellate court proceedings, and for free transcript. Motions denied.

LOREN J. STROTZ
Clerk

cc: Beverly A. Pekala
Carol G. Kokinis
Johnson, Westra, Broecker, Whittaker Newitt, PC
Timothy B. Newitt

STATE OF ILLINOIS
APPELLATE COURT SECOND DISTRICT

Office of the Clerk
708/695-3750

Appellate Court Building
Elgin, Illinois
60120-5558

Appeal from the Circuit Court of County of DuPage
Trial Court No.: 88 D 1427
THE COURT HAS THIS DAY, 1/12/96, ENTERED THE FOLLOWING ORDER IN THE CASE OF:
Gen. No.: 2-95-0938
IRMO: Pope, Deborah A., and Lawrence A.

On the Court's own motion, Appellant allowed 10 days to file brief or the appeal herein will be dismissed without further notice.

LOREN J. STROTZ
Clerk

cc: Beverly A. Pekala
Carol G. Kokinis
Johnson, Westra, Broecker, Whittaker Newitt, PC
Timothy B. Newitt
Hon. Joel A. Kagann, Circuit Clerk

SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING

SPRINGFIELD 62701

Juleann Hornyak
Clerk of the Court
(217)782-2035
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For the Deaf
(217)524-8132

First District Office
20th Floor
160 No. LaSalle St.
Chicago 60601
(312)793-1332
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October 13, 1995

Ms. Beverly A. Pekala
The Law Offices of Beverly A. Pekala, P.C.
30 north LaSalle Street, Suite 4300
Chicago, Illinois 60602

In re: Deborah A. Pope, movant, v. Justices of the Appellate Court, Second District, et al., respondents. 79785.

Dear Ms. Pekala:

The following order was entered on this date in the above captioned case:

The motion by movant to stay the proceedings in the Appellate Court is denied.

Very truly yours,
Juleann Hornyak
Clerk of the Supreme Court

JH:jmb
cc: Mr. Timothy Newitt
App. Ct. Clerk/2nd Dist.

SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
SPRINGFIELD 62701

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October 26, 1995

Ms. Beverly A. Pekala
The Law Offices of Beverly A. Pekala, P.C.
30 north LaSalle Street, Suite 4300
Chicago, Illinois 60602

In re: Deborah A. Pope, movant, v. Justices of the Appellate Court, Second District, et al., respondents. No. 79785.

Dear Ms. Pekala:

The following order was entered on this date in the above captioned case:

The motion by movant for a supervisory order is denied.

Very truly yours,
Juleann Hornyak
Clerk of the Supreme Court

JH:jmb
cc: App. Ct. Clerk/2nd Dist.
Mr. Timothy Newitt

SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING

SPRINGFIELD 62701

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November 14, 1995

Ms. Beverly A. Pekala
The Law Offices of Beverly A. Pekala, P.C.
30 north LaSalle Street, Suite 4300
Chicago, Illinois 60602

THE COURT HAS TODAY ENTERED THE FOLLOWING ORDER IN THE CASE OF:

No. 79875 - Deborah A. Pope, petitioner, v. Lawrence A. Pope, Jr., respondent.

Motion by petitioner to waive costs and fees.
Motion denied.

JH/jat
cc: Mr. Timothy B. Newitt

SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
SPRINGFIELD 62701

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November 14, 1995

Ms. Beverly A. Pekala
The Law Offices of Beverly A. Pekala, P.C.
30 north LaSalle Street, Suite 4300
Chicago, Illinois 60602

THE COURT HAS TODAY ENTERED THE FOLLOWING ORDER IN THE CASE OF:

No. 79785 - Deborah A. Pope, movant, v. Justices of the Appellate Court, Second District, et al., respondents.

Motion by movant to waive costs and fees. Motion denied.

JH/jat
cc: Mr. Timothy B. Newitt

ILLINOIS SUPREME COURT
Juleann Hornyak, Clerk
Supreme Court Building
Springfield, Ill. 62706
(217)782-2035

December 6, 1995

Ms. Beverly A. Pekala
Attorney At Law
30 N. LaSalle St., Ste 4300
Chicago, IL 60602

No. 79875 - Deborah A. Pope, petitioner v. Lawrence A. Pope, Jr., respondent. Leave to appeal, Appellate Court, Second District.

The Supreme Court today DENIED the petition for leave to appeal in the above entitled cause.
The mandate of this Court will issue to the Appellate Court on December 28, 1995.

D-6

ILLINOIS SUPREME COURT
Juleann Hornyak, Clerk
Supreme Court Building
Springfield, Ill. 62706
(217)782-2035

June 5, 1996

Ms. Beverly A. Pekala
Attorney At Law
30 N. LaSalle St., Ste 4300
Chicago, IL 60602

No. 80693 - Deborah A. Pope, petitioner, v. Lawrence A. Pope, Jr., respondent. Leave to appeal, Appellate Court, Second District.

The Supreme Court today DENIED the petition for leave to appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on June 27, 1996.

No. 80693

IN THE

SUPREME COURT OF ILLINOIS

Deborah A. Pope	)	
Petitioner,	)	Petition for Leave
	)	to Appeal from
v.	)	Appellate Court
	)	Second District
Lawrence A. Pope, Jr.,	)	2-95-0938
Respondent.	)	

ORDER

This matter has come for consideration upon the motion of petitioner to stay the mandate of this Court pending appeal or application for certiorari in the United States Supreme Court.

IT IS ORDERED that the mandate of this Court in the above cause is stayed pending the filing of a notice of appeal or an application for certiorari or the expiration of the period within which said application or notice may be filed. If certiorari is applied for or notice of appeal filed, the mandate of this Court shall, upon proof of such filing being made by affidavit filed with the clerk of this Court, be further stayed pending resolution by the United States Supreme Court of such application or appeal. If no such affidavit is filed, the mandate shall, without further order, issue upon the expiration of the time within which appeal or certiorari may be sought.

7-3-96

John L. Nickels
JUSTICE